

CLAIMS RESOLUTION TRIBUNAL

In re Holocaust Victim Assets Litigation
Case No. CV96-4849

Certified Denial

to Claimant George Fleming

and Claimant Tova Agnes Zamer

in re Account of F. M. Friedmann¹

Claim Numbers: 213050/MG; 214580/MG^{2,3}

This Certified Denial is based on the claims of George Fleming (“Claimant Fleming”) and Tova Agnes Zamer, née Friedman, (“Claimant Zamer”) (together the “Claimants”) to an account of Andor (or Andrew, or Bandi) Diamant (or Daniel or Daniels), and Frederick (Frigyes) Friedman. The CRT did not locate an account belonging to Andor (or Andrew, or Bandi) Diamant (or Daniel or Daniels), or to Frederick (Frigyes) Friedman in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). This Denial is to the published account of F. M. Friedmann (the “Account Owner”) at the [REDACTED] (the “Bank”).

All denials are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimants

The Claimants submitted Claim Forms asserting that their father, Frederick (Frigyes) Friedman, who was born on 26 March 1892 in Tiszabezded, Hungary, and was married to Fanny Friedman, née Hartstein, on 9 September 1924 in Budapest, Hungary, was the beneficial owner of a Swiss bank account. The Claimants stated that their father, who was Jewish, resided at Zsigmond utca 21 in Budapest until 1944. The Claimants further stated that their father, a partner in the firm

¹ In an effort to locate any and all accounts that might have belonged to the Claimant’s relative, the CRT has reviewed and analyzed all accounts whose owners’ names are substantially similar to those of the Claimant’s relative, even if the Claimant did not specifically claim that particular account.

² According to Article 37 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), claims to the same or related accounts may be joined in one proceeding at the CRT’s discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimants in one proceeding.

³ The Claimant submitted Initial Questionnaires with the Court in 1999 and Claim Forms to the CRT. The CRT is treating the Initial Questionnaires and the Claim Forms under the Claim Numbers 213050 and 214580.

Jacob Diamant & Associates in Budapest, gave money to his business partner's son, Andor (Bandi) Diamant (who later changed his last name to Daniel or Daniels), to deposit in a Swiss bank during the Second World War. According to the Claimants, their father was interned in forced labor camps in Hungary between 1944 and 1945. The Claimants indicated that their father died on 21 November 1975 in Tucson, Arizona, the United States. Claimant Zamer indicated that she was born on 16 September 1925 in Budapest. Claimant Fleming indicated that he was born on 17 January 1927 in Budapest.

The Claimants previously submitted Initial Questionnaires with the Court in 1999 and ATAG Ernst & Young claim forms in 1998, asserting their entitlement to a Swiss bank account owned by Frederick Friedman or Andor Diamant.

Information Available in the Bank's Records

The CRT notes that the Claimants submitted a claim to an account belonging to their relative, Frederick (Frigyes) Friedman. The auditors who carried out the ICEP Investigation reported one account whose owner's name is substantially similar to that provided by the Claimant. The account is identified below by its Account Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

Account 2015912

The Bank's records indicate that the Account Owner was F. M. Friedmann, who resided in Paris, France. In addition, the Bank's records indicate the name of the person who jointly held the account with the Account Owner. Furthermore, the Bank's records indicate the dates of closing of the account at issue.

The CRT's Analysis

Admissibility of the Claims

The CRT has determined that the claims are admissible according to Article 18 of the Rules.

Identification of the Account Owner

The CRT concludes that the Claimants have not identified the Account Owner as their relative. Although the name of their father is substantially similar to the published name of the Account Owner, the information provided by the Claimants differs materially from the published information about the Account Owner available in the Bank's records. Specifically, the Claimants stated that their father resided in Budapest, Hungary. In contrast, the Bank's records show that the Account Owner resided in Paris, France. In addition, the CRT notes that the Claimants did not identify the Account Owner's middle name. Finally, the Claimant did not identify the person who jointly held the account at issue. Consequently, the CRT is unable to conclude that the Account Owner and the Claimants' father are the same person.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimants may appeal this Denial to the Court through the Special Masters within ninety (90) days of the date of the letter accompanying this decision. Appeals should be delivered to the following address: Office of the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

The Claimants should send appeals in writing to the above address and should include all reasons for the appeal. If more than one account has been denied in this Certified Denial, the Claimants should identify the Account Identification Number that forms the basis of the appeal. Appeals submitted without either a plausible suggestion of error or relevant new evidence may be summarily denied.

Scope of the Denial

The Claimants should be aware that the CRT will carry out further research on their claims to determine whether an award may be made based upon the information provided by the Claimants or upon information from other sources.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
31 March 2005